



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Optometrists
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

LAWRENCE DEMARZO
Acting Director

September 26, 2007

Mailing Address:
P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

By Certified and Regular Mail

Michael Levavi, O.D.
409 Tanforan Drive
Cherry Hill, New Jersey 08002

Re: Continuing education credits
Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Levavi:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning the continuing education credits that you obtained prior to the renewal of your license to practice optometry for the 2007 to 2009 licensure renewal period as required by N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3.

On or about April 30, 2007 the Board reviewed your correspondence explaining and requesting an extension of time to produce proofs that you complete the fifty continuing education credits to satisfy the renewal requirement for the 2007- 2009 license period. The Board granted you an extension until September 1, 2007 based on the circumstances you provided to submit the proofs that you had satisfied the continuing education credits for renewal.

At its September 19, 2007 meeting the Board reviewed your correspondence dated September 4, 2007 explaining that you did not have sufficient time to make up the required continuing education credits for various reasons and requesting that you be granted additional time to take the enumerated courses which are scheduled on September 26, October 20, and November 18, 2007. The Board noted that the November 18, 2007 is the North Jersey Pharmaceutical Credentialing Course and that this course will not be completed until January 2008.

The attached continuing education tracking form included with your correspondence supported that you sought credits for three courses taken on April 26, 2006 and 20 internet credits taken on September 4, 2007. Please be advised that the courses taken on April 26, 2005 do not satisfy this biennial renewal as the courses which qualify for this renewal period were to be taken from May 1, 2005 through April 20, 2007.

The reviewed submissions appear to support that you are short thirty continuing education credits. Additionally, the documentation supplied to the Board does not support completion of the internet courses as required by N.J.A.C. 13:38-7.6.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3 in that you did not obtain all of the fifty (50) continuing education credits prior to or by April 30, 2007

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:


1. Cease and desist from failing to obtain the required amount of continuing education credits for the renewal of a license to practice optometry within the specified time frame.
2. Submit proofs that you successfully completed thirty additional continuing education credits no later than November 15, 2007. These continuing education credits shall NOT be used to renew respondent's license for the 2009-2011 renewal period.
3. Pay a penalty in the amount of \$500.00 for failing to obtain a total of 50 continuing education credits on or before April 30, 2007 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter). Payment shall be remitted in full and shall be made payable to the Board of Optometrists by certified check or money order and forwarded to the attention of the Executive Director, P.O. Box 45012, 124 Halsey Street, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.


In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez who may be reached at (973) 648- 3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
OPTOMETRISTS

By: 
Leonard Steiner, O.D.
Board President

ACKNOWLEDGMENT: I, Michael Levavi, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to submit proof of satisfactory completion of thirty continuing professional optometric credits by no later than November 15, 2007, submit proofs of the 20 internet courses taken on September 4, 2007 and pay a penalty in the amount of \$500.00 (to be paid upon signing of this acknowledgment).


Michael Levavi, O.D.

Dated: 

cc: Carmen A. Rodriguez, Deputy Attorney General